

EDITORIAL

Another swing at three strikes

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IT WAS BOTH PUZZLING and disappointing that Los Angeles County Dist. Atty. Steve Cooley opposed Proposition 66 in 2004. The initiative would have amended California's three-strikes law, a law that Cooley had called unduly harsh just four years before. Yet he helped defeat Proposition 66, which won only 47% of the vote.

So Cooley's new proposal to reform the three-strikes law, filed last week with the attorney general's office, is doubly welcome. It also stands a good chance of getting on the ballot, given that he filed it with a prominent defense lawyer, Brian Dunn. The support of prosecutors and law enforcement is crucial for any proposed change to the three-strikes law, which provides for sentences of 25 years to life for a felony if a person already has convictions for two violent or serious offenses.

The proposed Three Strikes Reform Act of 2006 is less sweeping than Proposition 66. The proposition would have limited third strikes to serious or violent felonies and ordered judges to reassess the sentences of inmates whose crimes no longer qualified as strikes. Cooley's proposal also stipulates that the third conviction must be for a serious or violent offense — except in circumstances in which the previous felonies committed were murder, rape or child molestation. This should quell the scare tactics used by opponents in 2004 while remaining true to the purpose of the three-strikes law.

Although more than two dozen states have passed three-strikes laws, California remains the only state in which all felonies as minor as petty theft can lead to such harsh sentences. And although many prosecutors — including Cooley — use their discretion to reduce the potential for unfair sentences, the law has put too many people behind bars for too long. As of June 2005, 60% of the 7,700 "third-strike" inmates in California had committed a nonviolent or nonserious third strike. And the worst victim of three strikes may be the taxpayer, because it costs \$31,000 a year to house an inmate.

Cooley's main battle may be to persuade his peers. The California District Attorneys Assn. vehemently opposed Proposition 66. And Deputy Dist. Atty. Steve Ipsen also has filed a ballot initiative that seeks to adjust the three-strikes law.

An initiative needs 374,000 signatures to get on the ballot in November, and the merits of these two measures will prompt much discussion. But at least that debate will be about how best to reform California's three-strikes law, not whether reform is necessary.

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